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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

1560-0406P

Application Number  
10/765,980-Conf.  
#002811

Filed  
January 29, 2004

First Named Inventor  
Takeshi IZUMI

Art Unit  
2855

Examiner  
O. L. Davis

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).  
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant /inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)  
is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record.  
Registration number \_\_\_\_\_

☒ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. 29,680

Signature

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Typed or printed name

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Telephone number

February 27, 2006  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of 1 forms are submitted.



Docket No.: 1560-0406P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Takeshi IZUMI

Application No.: 10/765,980

Confirmation No.: 002811

Filed: January 29, 2004

Art Unit: 2855

For: TORQUE DETECTING APPARATUS

Examiner: O. L. Davis

**STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following comments are provided in support of the attached Request for Pre-Appeal Brief Review.

Claims 1-8 are pending in the above application. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe, U.S. 6,731,194.

Claim 1

Claim 1 requires a torque detecting apparatus that includes a circuit board and a connection part that are "integrally coated with synthetic resin." Abe shows a circuit board 22 mounted inside a housing 1. Abe's circuit board is not coated with synthetic resin. The Office Action asserts that element 19 of Abe corresponds to the claimed "connection part." However element 19 is also not coated with a synthetic resin, and circuit board 22 and element 19 are not "integrally coated with synthetic resin" as required by claim 1.

The Office Action does not allege that a connection part and a circuit board integrally coated with a synthetic resin are shown in Abe. For at least this reason, the Office Action has

failed to show where each element required by claim 1 is present in the prior art. Instead, the examiner has argued that Abe shows a ceramic circuit board 22 inside an insulating housing. There is no explanation as to how the housing “coats” the circuit board or the connection part 19 individually, much less how the circuit board 22 and connection part 19 are “integrally coated” with a synthetic resin as claimed.

The ordinary meaning of “coat” and the meaning used in the specification, is a layer of material covering something else. Placing objects inside a housing does not mean the objects are “coated” with the housing under any reasonable meaning of this term. Under no reasonable interpretation of this term would one skilled in the art look at Abe and describe connection part 19 and circuit board 22 as being “integrally coated” with housing 1. For at least this reason, it is submitted that claim 1 is not anticipated by Abe.

The Advisory Action mailed January 30, 2006, indicates that Abe’s circuit board 22 is “integrally formed” with Abe’s housing 1. Even if this were accurate, it would not establish that the circuit board is “integrally coated” with housing 1 as discussed above and as required by claim 1. However, this statement is not correct. Abe indicates at column 4, lines 58 and 59, that housing 1 includes a receiving surface 2b for receiving a circuit board 22. This suggests the circuit board is formed separately from housing 1 and later mounted in housing 1. Abe also explains at column 6, lines 14-19 that circuit board 22 is held in the housing 1 by a spring 27, further showing that these elements are not “integrally formed.”

The Advisory Action also indicates that Abe’s lever 17 is integrally formed with a portion 18. This statement does not have any relevance to the claim language which requires a circuit board and a connection part integrally coated with a synthetic resin. The Advisory Action also refers to the prior art device illustrated in Figure 30 of Abe which includes a circuit board 41 in a housing 31, and an element 33 referred to as a connection part. These elements are not integrally coated with a synthetic resin as required by claim 1 and provide no better support for the present rejection of claim 1 than the arguments directed to the device in Figure 1 of Abe.

Claims 2-4 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

For these reasons, it is respectfully submitted that claim 1 and its dependent claims 2-4

are not anticipated by Abe, and the withdrawal of the rejections of claims 1-4 under 35 U.S.C. 102(b) is respectfully requested.

#### CLAIM 5

Claim 5 requires a layer of synthetic material integrally coating the circuit board and connection part and is submitted to distinguish over Abe for the reasons provided above in connection with claim 1. In addition, claim 5 requires a circuit board electrically connected to the sensor by a connection part. Element 19 of Abe is a resin and therefore an insulator and does not electrically connect the circuit board and sensor as claimed. Claim 5 further distinguishes over Abe for this reason.

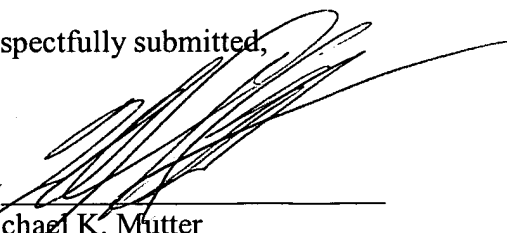
Claims 6-8 depend from claim 5 and are submitted to be allowable for the same reasons as claim 5. The withdrawal of the rejections of claims 5-8 under 35 U.S.C. 102(b) is therefore respectfully requested.

#### CONCLUSION

For the foregoing reasons, the withdrawal of the rejections of claims 1-8 under 35 U.S.C. 102(b) is earnestly solicited.

Dated: February 27, 2006

Respectfully submitted,

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